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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,631	04/30/2001	Hiroyuki Ito	50212-225	1816

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EXAMINER

NGUYEN, KIET TUAN

ART UNIT	PAPER NUMBER
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2881

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,631

Applicant(s)

Ito et al.

Examiner

U. Nguyen

Group Art Unit

2881

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 05-12-03

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

Objected Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the base being on the internal wall surface of the guide tube and located at a position having a space from the opening of the introduction section as recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the base" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Rejection Under 35 U.S.C. 112, First Paragraph

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification is completely silent for reciting the limitation "the base being on the internal wall surface of the guide tube and located at a position having a space from the opening of the introduction section" as recited in claim 1. Therefore, the Examiner don't understand what is the base? How is the base mounted on the internal wall surface of the guide tube and located at a position spaced from the opening?

Additional explanations are needed if applicant insists on including these features in the claim 1 without the insertion of new matter.

Clarification without the introduction of new matter is required.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al.

Claims 1-6, as the best understood by the meaning of 112, 1st, 2nd and the objected drawing(s) above, are rejected as:

Ono et al. disclose, in figs. 1-15, an ion implantation system. The system includes an ion source section 1; an ion implantation section 8; a charged particle generator 30 having a plasma generating chamber 31 housing a filament coil 32; a beam guide tube section 9 having an inlet aperture, an outlet aperture and an opening; and a shield section 42 having a shield surface

forming a flat plate shape and located between the opening and the outlet aperture for shielding charged particles generated from the generator 31 and irradiated out of a wafer W.

It is noted that the surface of the shield section making an acute angle with the internal wall surface of the guide tube as recited in claim 1; and a frame member for supporting the flat plate as recited in claim 6.

Making the surface of the shield at an acute angle with the internal wall surface of the guide tube and using the frame member for supporting the flat plate are considered to be obvious variation in design. since the size and shape of an element is consisting of one many sizing and shaping means for operating the element and the frame member used as the base for indirectly mounting an element to the other element is well known in the art, further the surface of the shield forms an acute angle with the internal wall surface of the guide tube is also well known in the art for directly deflecting the charged particles (as disclosed, in fig. 2, the element 82 of Kimber U.S. Patent No. 5,378,899), thus would have been obvious to one skilled in the art to make the surface of the shield at an acute angle with the internal wall surface of the guide tube for deflecting the charged particles away from the wafer and use the frame member as the base for indirectly mounting the flat plate in the Ono et al. system for neutralizing the ion beam. Directly and indirectly mounting an element to the other element have the same results for mounting means.

Applicant's arguments filed on 05-12-03 have been fully considered but they are not persuasive in view of the foregoing reasons.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner *Kiet T. Nguyen* whose telephone number is (703) 308-4855.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9319.

K.T.N/Primary
May 22, 2003



WILLIAM
MAY 22 2003